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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4085 OF 2007

Shri Bhavaniprasad M. Oza ... Petitioner

V/s

M/s. Deshmesh Cables ... Respondent

Mr. Pandey i/by M/s. Pandey & Co. for the petitioner.

Mr.A.K.Jalisatgi with Mr.Amol Desai for the respondent.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 29TH AUGUST, 2007.

P.C.:

1. The petitioner has challenged the award dated 11.9.2006. The Labour Court has held that there was no termination of services of the petitioner on 13.1.2001, the date mentioned in the order of reference. The petitioner was chargesheeted for a misconduct of theft and an enquiry was conducted against him. He was represented at the enquiry and the enquiry officer held that the petitioner was guilty of the misconduct alleged against him. The respondent, therefore, dismissed the petitioner.

2. The Labour Court has found that the actual date of dismissal was in fact 19.4.2002 and not 13.1.2001. The Labour Court has thus answered the reference in the negative by concluding that the petitioner had failed to substantiate his case on the basis of evidence that his services had been terminated on 13.1.2001.

3. In these circumstances, no interference is required against the award of the Labour Court.

4. Petition rejected.

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